

At a GENERAL ASSEMBLY, begun and held at the Fort of *St. Mary's*, on the 25th Day of *February* 1638, and the same Day removed to *St. John's*, and there continued till the 19th Day of *March*, were Enacted the following Laws.

The Hon. LEONARD CALVERT, Esq; Lieut. General.

C H A P. I.

Passed, 25th Feb. 1638. *An Act for establishing the House of Assembly, and the Laws to be made therein.*

C. O. fol. 128. and Lib. C and WH. fol. 61.

N. B. By this Act, the several Persons elected and returned (pursuant to the Writs issued) shall be called BURGESSES; and supply the Place of all the Freemen consenting to such Election, in the same Manner, and to all the same Intents and Purposes, as the Burgesses in any Borough in *England*, in the Parliament of *England*, use to supply the Place of the Inhabitants of their respective Boroughs: And that the Gentlemen summoned by his Lordship's special Writ, to each of them directed, the said Burgesses, and such other Freemen who have not consented to any of the Elections as aforesaid, as shall be at any Time assembled, or any Twelve or more of them (whereof the Lieut. General and Secretary to be always Two) shall be called THE HOUSE OF ASSEMBLY. And all Acts, &c. assented unto and approved by the said House, or major Part thereof, and afterwards assented unto by the Lieut. General, in the Name of the Lord Proprietary, shall be adjudged and established for Laws, to the same Force, &c. as if his Lordship and all the Freemen of this Province were personally present, and did assent, &c.

C H A P. II.

Passed, 19th March, 1638. *An Act ordaining certain Laws for the Government of this Province.* C. O. fol. 130. Lib. C and WH. fol. 63.

N. B. By this Act (which seems to have been calculated for supplying the want of Laws till a proper Body should be agreed upon) it was Enacted, (1.) Holy Church within this Province shall have all her Rights and Liberties. (2.) All Inhabitants shall take an Oath of Allegiance to his Majesty. (3.) The Lord Proprietary shall have all his Rights and Prerogatives. (4.) The Inhabitants shall have all their Rights and Liberties according to the great Charter of *England*. (5.) The Lieut. General (within the Province) and the Commander of the *Ile of Kent* (within that Island) except Appeal be made from him, and the Council of the Province, in Causes wherein the Lieut. General is Plaintiff, shall cause Right and Justice to be done in all Causes civil, according to the Laws or laudable Usages of this Province, or otherwise according to the Laws or laudable Usages of *England* in the same or the like Cases, as near as he or they shall be able to judge. And shall try all such Causes, and use, command, &c. all Power and Means necessary and conducing thereunto. And the said Lieut. General, and Commander, shall take an Oath to administer equal Justice to all Persons, without Favour or Malice of any one. (6.) The Lieut. General, or any one of the Council (within the Province) and Commander of *Kent* (within that Island) shall use, &c. all Power and Means necessary to the apprehending of Felons, or keeping of the Peace. And the Lieut. General and Council, shall and may try and censure all Offenders, with any Punishments as they shall think the Offence to deserve; except that, in Crimes extending to Life or Member, the Offender shall be first Indicted, and afterwards Tried, by 12 Freemen at the least. And the Commander of *Kent* (within that Island) shall and may try and censure all Offenders within that Island, with such corporal Shame or Correction (not extending to Life or Member) as he shall think the Offence to deserve. And every Councillor shall take Oath to defend and maintain the Rights and Prerogatives of the Lord Proprietary in all Things, and to assist the Execution of Justice without Favour or Malice of any one, and to do all other Things as becomes a Councillor to do. (7.) The Secretary shall prove Wills, and grant Administrations, and use, &c. all Power, &c. necessary thereto. And the Commander of *Kent* to take Order for the saving of the Goods of deceased Persons within that Island, till a Will be Proved, or Administration granted. (8.) The Captain of the military Band (at the Direction of the Lieut. General) shall use, &c. all Power, &c. necessary or conducing in his Discretion to the Safety or Defence of the Province. And the Commander of *Kent* to do the like within that Island. (9.) All Officers Fees to be paid according to * a Bill upon the Records of this Assembly: And all necessary public Charges to be defrayed by the Treasurer of the Province, upon Account of the Colony or Province, by Warrant from Time to Time from the Lieut. General and Council. (10.) If any Goods be within the Province, without any challenging the same and having Right thereunto, the Lieut. General and Council shall appoint how the same shall be employed. (11.) Where the Goods of a Debtor sued are not sufficient to pay all his Debts within the Province, they shall be Sold at an Out-cry, and distributed equally among all the Creditors inhabiting within the Province: Except that the mere and proper Debts of the Lord Proprietary shall be first satisfied, and then Fees and Duties to public Officers and Charges; and that Debts for Wine and Hot-Waters be not satisfied till all other Debts be paid. (12.) Every Person planting Tobacco shall plant and tend two Acres of Corn. (13.) All Tobaccos shipped out of the Province (except to *England*, *Ireland*, or *Virginia*) shall pay a Custom of Five in the

* *Viz.* The Bill N^o. 14, which among others was ingrossed, but not passed this Session.